App F IX 4

Previous References (1941 M-L) File No 114-42 Serial Nos 1 2

Later References

M-L 114-42, -4, 5, 6, 7

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for July 42

SUBJECT

Recovery of Tax due to enlargement executive Officer, St Thomas mount, Madras from the Collector of Kanchipuram Dist

To,

The secy to the Resident in Nilgiris

Pol 100 dy 14-7-42

Issues certain information in the matter of

The Dist Magistrate

L 649/187 42

Forwarded

6757/P

2187/4

The [illegible] to th communi cat on should be address d to the Secretary to the Re ident an Mysore B ngal re, by d signation d not by me.

No D F 243-40/Tudl

MU 114-42-1

25 MAY 1942 L S G BRANCH

[App F III

FROM

THE SECRETARY
TO THE HON BLE THE RESIDENT IN MYSORE

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department

Dated Bangalore the May *1942*

SECY LAW DEPT 25 MAY GOVT OF MYSORE

RECOVERY OF CANTONMENT TAX

SIR

I am directed to forward a copy of the letters noted in the margin, and to request that if there is no objection, the demand may kindly be brought to the notice of the individual mentioned, and if the amount is recovered, it may kindly be remitted direct to the Cantonment Executive Officer, St Thomas Mount

1 Letter from the Cantonment Executive Officer, St Thomas Mount, to the District Magistrate, Kadur District No 19/C/748 dated the 27th March 1942
2 Reply from the District Magistrate, Kadur, No J1 P R 966/41-42 dated the 8th April 1942

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT

1) Sorted with a draft letter for approval
26/5
2) This may perhaps be referred to the Law Secretary for favour of opinion on the point raised by the Distt Magistrate Kadur Distt
Law Secy
26/5
3) Yes
By order Dy Law Secy
MC 26/5

SECY LAW DEPT 27 MAY 1942 GOVT OF MYSORE

NOTE—Cont Sheet

WD 041[illegible] 61 B—55 000—23 10 41

File No | of 194 | General and Revenue Secretariat

Serial No

[illegible] letter [illegible]

[illegible] Madras [illegible]

(L S Gr Branch for compliance)

3/6/92

6 Regarding available in the L S Gr Branch

Asst Secy Law Dept 16 6 92

Ker Advt Accepted the references

3/6/92

marginally noted references quoted in the letter of the D C Madras are herewith put up

It is mentioned that [illegible] the references noted relate to warrants etc under the Criminal Procedure Code whereas the nature of the amount to be recovered namely arrear of Profession tax is of a civil nature

24/6 LC The Cantonment Executive Authority has no control over the [illegible] of Madras, u/s 259 of the Cantonments Act- has no application in Kerala State, & as such the D C of Madras is justified in not carrying out the direction of the Cantonment Executive

× 1) Cantonments Act 1924
2) Criminal Procedure Code
3) Proceedings Volume of July 1878

Recovery of tax due to Cantonment Executive Officer, St Thomas Mount-Madras, under the Colaco of Kadur Dt.

General and Revenue Secretariat — File No 7132 of 1941/42 — [App F III-2

Serial No

Attorney

1/ I direct Sec 259 of the Cantonment Act provides that the Cantonment authority can recover moneys due to the authority, either by suit or an application to a Magistrate Magistrate mentioned in S 259, to the Cantonment keeps both of the remedies open to the person stated

2/ I therefore think that the Madras Cantonment, notwithstanding the decision on facts, as they now stand, recover the dues legally; I accept them to the Cantonment authority

Law Secretary) 3 27/6/42

13 I agree MG 28/6/42

Asst Secy LSG DC) 29/6/42.

14 Put up file Sd 29/6

15 Submitted with a draft letter for approval

Secy LSG 29/6 CS 29/6

Secy LSG) 29/6 CS

Minister (LSG) (16) MG 30/6

16) Issued CS

WD 141 GPB—5 000—23 10 41

SECY LAW DEPT 5824 27 JUN 1942 GOVT OF MYSORE

SECY LAW DEPT 5824 30 JUN 1942 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L S G & P H Dt 1 7 1942

NOTE—Cover Sheet No 27

Recovery of Expenses due by Messrs Colaco
to the Cantonment Executive Officer, Madras

File No 114 — 7132/L — of 1942 — General and Revenue Secretariat

Serial No

17) May be approved as S 259 of the Cantonments Act has no application in the Mysore State

Dewan

Ans 11-7-42 from

DEWAN S OFFICE
11 JUL 1942
NO 505

18) Note 12/7/42
Ans 13-7-42

19) Approximate 1877/42

To The Secy to the Resident
No Pol 100 Dt 14-7-42
States that section 259 of the Cantonment Act has no application in the Mysore State & as such it would not be legally correct for the Dt Magistrate Kadur Dt to recover the dues in question and remit them to the cantonment authority
To The Dt Magistrate, Kadur Dt
No L 649 Dt 187-42
Forward a copy of the above

B 20/7

Copy of letter No 19/6/748 dated 27th March 1942 from the Cantorment Executive Officer, St Thomas' Mount, to the District Magistrate, Kadur District

--- 0 ---

ARREARS OF PROFESSION TAX - RECOVERY OF

I have the horour to request that under section 259 of the Cantorments Act, 1924 the amount of profession tax due from the party as per details given below, may please be recovered and remitted to this office -

Description	Due for the period	Name and Address	Amount	Notice of Demand fees	Total
Profession tax	31/3/42	Miss M Colaco, c/o Mrs Colaco, Hoserella Estate, Hirebile P O , Kadur District	Re 1/-	Re 0/4/0	Rs 1/4/

--- 0 ---

Copy of letter No J1 P R 960/41-42 dated 8th April 1942 from the District Magistrate, Kadur District, Chickmagalur, Mysore State to the Cantonment Executive Officer, Cantonment Board, St Thomas Mount

--- 0 ---

Recovery of profession tax from Miss Colaco

With reference to your letter No 19/6/748 dated 27th March 1942 on the above subject, I have the honour to state as follows -

I have perused the copy of section 259 of the Cantonments Act of 1924 which you have enclosed to your letter for my reference But I am doubtful if the provision of the Act applies mutatis mutandis to Mysore State As per Chief Commissioner's Notification No 3 dated 23rd July 1878 and the Criminal Rules of practice and Standing Orders issued from time to time by the Hon'ble High Court of Mysore, warrants issued by Magistrates in British India under section 386, and 387 of Cr P C are executable in this State But as this applies to coercive processes issued by the Magistrate of Criminal Courts, I am not certain if such processes issued the Cantonment Boards, are also executable here I request therefore, to kindly furnish me, with the exact provision

appli

applicable to Mysore State, in this behalf to enable me to comply with your request

Your letter under advertance with its enclosure is returned herewith

--- 0 ---

The Office of the Hon'ble the Resident in Mysore

Government of India.

No D F 243-40/Judl — Department L/13022

Dated the 13th June 1942

Subject — Recovery of Cantonment Tax

[App F III-2

The undersigned is directed to invite attention to the communication noted in the margin and to request that the return of the file be expedited / enquire whether the amount has been recovered and remitted to the officer concerned

Letter from this Residency to D F 243-40/Judl. dated the 23rd May 1942

SECY LAW DEPT 13 JUNE 1942 GOVT OF MYSORE

for Secretary to the Resident

MFP—971 S&P—(M 1 81)—13 10 39—300 000

SECY LAW DEPT 15 JUN 1942 MYSORE

Note: The Connected file (Draft No 7132/L) was submitted to Law Secy on 27-5-42.

15/6/42 Law Secy

15/6/42

NOTE—Cont Sheet

W L 041 — G I D—55 000—23 10 41

No of 194

General and Revenue Secretariat

Serial No

Appendix F G—1]

SUBJECT

Section ML

File No 114-42

Serial No 2

Diary No of letter replied to

No Rol 100

To

General and Revenue Secretariat

( )

the *19*

The Secy to the Honble the Resident in Mysore, Bloe

Sir,

Date of issue 14 July 1942

With reference to your letter no D Dis 243-40/Jud B 23-5-42 and the subsequent reminder dated the 13th June 42 on the matter of the recovery of a sum of Rupee one due by Mrs Mc Colaco c/o Mrs, Colaco, Hosenella Estate Hubble P O, Kadur Dt on account of the Profession tax payable to the Cantonment

Signed by Mr C N N

List of enclosures

Copied by

Examined by

Executive Officer, St Thomas
Mount, Madras, I am directed
to state that Section 259 of the
Cantonment Act has no
application in the Mysore State,
and as such, it would not
be legally correct for the
Dt Magistrate Kadur Dt
to recover the dues in question
~~to the Cantonment Executive authority~~
and remit them to the Cantonment authority
Under section 259 of
the said Act, the Cantonment
authority can recover moneys
due to that authority either by a
suit or an application to the
Cantonment Magistrate

I have etc

for Secy to Govt
W.O. Law Deptt

29/6

Memo no in L649 D 18-7-42
Copy sent to the District Magistrate
Kadur for info.

for Secy to Govt
Law Deptt